

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

STEPHANIE L. COLEMAN

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:17-cv-73 HTW-LRA

**CITY OF JACKSON, MISSISSIPPI;
MAYOR TONY YARBER INDIVIDUALLY
AND HIS OFFICIAL CAPACITY; JOHN DOES 1-3**

DEFENDANTS

**MOTION FOR STAY OF DUTY TO FILE RESPONSIVE PLEADING BY
TONY T. YARBER IN HIS INDIVIDUAL CAPACITY**

COMES NOW, Defendant, Tony T. Yarber in his Individual Capacity, through counsel, and appears specially for the purpose of contesting personal jurisdiction pursuant to Rule 12(b)(2),(4), & (5) and asks the Court for a stay to file a responsive pleading and with respect states unto the Court the following:

1. Plaintiff filed her Complaint in this action on or about February 2, 2017.
2. Plaintiff caused the clerk to issue a single Summons to Mayor Tony Yarber individually and in his official capacity on February 2, 2017.
3. The Plaintiff's attorney filed with the Court a return on February 27, 2017 which indicates that Tony Yarber was served *personally* as an individual on February 6, 2017.
4. The undersigned attorney has been advised by Tony Yarber that he has not been *personally* served with the Summons and Complaint.

5. Service upon Tony Yarber in his official capacity as Mayor does not constitute service upon the individual.

6. Defendant Tony Yarber, in his individual capacity, respectfully moves the Court for a stay of filing a responsive pleading and also for a waiver of the requirement of providing a Memorandum Supporting this Motion.

SO MOVED this the 27th day of February 2017.

Respectfully submitted,

CITY OF JACKSON, MISSISSIPPI

By: /s/ LaShundra Jackson-Winters
LaShundra Jackson-Winters, Deputy City Attorney
Dana Sims, Deputy City Attorney

Of Counsel:

Monica Joiner, City Attorney
Mississippi Bar No. 102154
LaShundra Jackson-Winters
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CERTIFICATE OF SERVICE

I, LaShundra Jackson-Winters, one of the attorneys for the City of Jackson, does hereby certify that I have this day delivered a true and correct copy of the above an foregoing document, via ECF electronic filing, to the following:

Wilson H. Carroll, Esq.
WILSON CARROLL, PLLC
3520 Old Canton Road
Jackson, Mississippi 39216
Attorney for Plaintiff

So certified, this the 27th day of February, 2017.

/s/ LaShundra Jackson-Winters
LASHUNDRA JACKSON-WINTERS